

**53-7-502 Definitions.**

As used in this part:

- (1) "Audio effect" includes music, animal sounds, whistles, buzzers, or other noises not pertinent to the flame-producing function of the lighter.
- (2)
  - (a) "Distribute" means to:
    - (i) deliver to a person other than the purchaser; or
    - (ii) provide as part of a commercial promotion or as a prize or premium.
  - (b) "Distribute" does not include providing as a personal gift.
- (3) "Importer" means a person who causes a lighter to enter this state from a manufacturing, wholesale, distribution, or retail sales point outside this state:
  - (a) for the purpose of selling or distributing the lighter within this state; or
  - (b) with the result that the lighter is sold or distributed within this state.
- (4) "Lighter" means a handheld mechanical device of a type typically used for igniting tobacco products by use of a flame.
- (5) "Misleading design" means a lighter that:
  - (a) has a shape that resembles or imitates an object other than a lighter;
  - (b) may have one or more audio or visual effects; and
  - (c) has other features of a type that would reasonably be expected to make the lighter appealing or attractive to a child younger than 10 years of age.
- (6) "Novelty lighter":
  - (a) means a lighter that has:
    - (i) a misleading design; and
    - (ii) operates on any fuel, including butane or liquid fuel;
  - (b) does not mean:
    - (i) a lighter manufactured before January 1, 1980;
    - (ii) a lighter that has been rendered permanently incapable of producing a flame or otherwise causing combustion; or
    - (iii) a mechanical device primarily used to ignite fuel for fireplaces, or for charcoal or gas grills.
- (7) "Sell" means to provide or promise to provide a product to a wholesale, retail, mail-order, or other purchaser in exchange for consideration.
- (8) "Visual effect":
  - (a) includes flashing lights, color-changing lights, or changing images; and
  - (b) does not include logos, decals, decorative artwork, or heat-shrinkable sleeves.

Enacted by Chapter 376, 2010 General Session